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C O N F I D E N T I A L SECTION 01 OF 03 ISLAMABAD 000313

SIPDIS

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SUBJECT: PAKISTAN FILES CASE AGAINST MUMBAI ATTACK SUSPECTS

REF: ISLAMABAD 269

Classified By: Anne W. Patterson for reasons 1.4 (b), (d).

¶11. (C) Summary: On February 12, Interior Minister Rehman Malik publicly declared that the Mumbai terror attacks were planned, at least partially, in Pakistan and that the GOP had several suspects in custody. Malik held a press conference to present the initial results of the inquiry and announce that the First Information Report (FIR) had been filed in court earlier in the day. Malik stressed that Pakistan was committed to prosecuting the suspects but needed Indian cooperation. Both the press and Malik emphasized that Pakistan was one of many countries that the terrorists used to plan the attacks. Malik briefed the Indian High Commissioner earlier in the day, and Foreign Secretary Salman Bashir separately met the Indian High Commissioner to pass the inquiry's formal results. Bashir briefed the DCM and other foreign diplomats afterwards, and he also passed a copy of the inquiry results. The registration of the FIR is the first official step in prosecuting the perpetrators. However, important information from the Indian investigators will be required for a successful conviction. Most significantly, Malik's public acknowledgment of Pakistani involvement is the most expansive by a Pakistani government official. End summary.

MALIK'S PRESS CONFERENCE: "WE MEAN BUSINESS"

¶12. (U) Interior Minister Rehman Malik held a press conference on February 12 to announce the preliminary findings of the Mumbai-attacks inquiry. He said he had filed a First Information Report (FIR) that morning with a special investigation unit in Islamabad. The FIR is the formal police complaint, which will lead to the court-ordered investigation. Malik clearly acknowledged that Ajmal Kasab, the lone surviving Mumbai terrorist, was a Pakistani and that some of the conspiracy took place in Pakistan. "I want to show all of you, I want to show our nation, I want to show the international community, I want to show all those who have been a victim of terrorism, that we mean business," Malik said while holding up copies of the inquiry results.

¶13. (U) According to Malik, the FIR covers 13 suspects, including Kasab. This is a shift from the 17 suspects briefed to the Ambassador on February 5. Malik also said that the FIR bases its complaint on the Anti Terrorism Act (ATA), the cyber-crimes law, and the Pakistani penal code. Now a court will review the FIR and launch a formal investigation. Malik said that this process could take 3-4 weeks.

¶4. (C) Though he stressed the actual contents of the investigation were confidential, Malik shared most of the leads that the FIA has been investigating, including email addresses, Voice Over Internet Protocols (VOIP), SIM card information, Thoraya phones, Yamaha motors, and various money trails. As he described to the Ambassador last week, the evidence led to suspects within Pakistan and links to Italy, Spain, India, Russia, the U.S., and Dubai. Malik did not announce a comprehensive list, but did mention the names of several detained suspects, including Javed Iqbal, Laqvi, Mohammad Ishfaq, Zarrar Shah, and Abu al-Qama.

¶5. (U) Malik stressed that this was a conspiracy that used worldwide systems and that Pakistan needed help to prosecute. When asked if all ten Mumbai attackers were Pakistani, Malik demurred and said that they all had left on a boat from Pakistan.

INFORMATION PASSED TO THE INDIANS

¶6. (C) The Indian High Commissioner met with Rehman Malik on the morning of February 12, before his press conference. Malik conveyed the salient points of the investigation and the FIR. He also asked that his specific questions (he has a list of 30) be answered by Indian law enforcement authorities. Malik has asked India to provide the GOP with an authenticated copy of Kasab's confession, post mortem details on the dead terrorists, forensic details on the

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weapons and grenades, and technical details from the cell phones and SIM cards.

¶7. (C) Foreign Secretary Salman Bashir and the Pakistani High Commissioner to India met with the Indian High Commissioner to Pakistan on February 12. Bashir formally passed a dossier with the "salient" results of the inquiry and the list of 30 questions. (Note. A copy of the document has been sent to SCA/PB. End Note.) The material passed to the Indians is a brief summary of the FIA inquiry but does not list any of the details that are in the larger FIA report that Malik shared with the Ambassador (see reftel). The materials do not include the full names of several of the suspects, such as "Hammad" who is Hammad Ameen Sadiq, an LeT member in FIA custody. The report given to the GOI also asks several pointed questions, such as, "why did the terrorists not come to the notice of Gujarat and Maharashtra governments after having traveled by sea in their territory including reported refueling enroute?" However, the document does show the GOP's efforts to follow each lead presented in the Indian dossier of January 5. According to Bashir, the Indian High Commissioner was pleased to receive the briefings but was concerned about negative press statements.

BASHIR BRIEFS DIPLOMATS

¶8. (C) On February 12, Bashir also briefed the DCM and a small group of foreign diplomats about the Mumbai-related inquiry. Bashir passed copies of the dossier given to the Indians earlier in the day. He stressed that Pakistan was determined to bring the perpetrators of the attacks to justice, and Pakistan wanted normalization of relations with India. Bashir recapped the GOP's action thus far, including condemnation of the attacks, an initial survey by Pakistani intelligence agencies, the FIA-led taskforce inquiry in response to the Indian dossier, and now the results of the inquiry and a formal FIR.

¶9. (C) Bashir also noted that following the inquiry and the FIR registration, more suspects have been taken into custody. The GOP wants to underscore, according to Bashir, that they

are serious about moving to trial. Though he was circumspect, Bashir maintained that while Pakistan's prosecution would remain independent, it could be helped greatly by information from India. Bashir was not fully conversant in all the technical legal and investigative details. But he was successful in conveying the GOP's resolve to prosecute the terrorists. Moreover, Bashir wanted to counter what he described as India's "full-steam" global anti-Pakistan campaign.

ANTI TERRORISM ACT (ATA)

¶10. (C) Post contacts at the Law Ministry confirmed that the amendment to the ATA was complete and had been sent to the President. President Zardari has yet to sign the law into effect. But Rehman Malik did announce at the press conference that the prosecution would use the ATA. In contrast, Bashir told diplomats that there was some disagreement about whether to amend the ATA. According to Bashir, the law ministry and the interior ministry were now confident that the prosecution could take place without an amendment. The government plans to prosecute under a mix of the ATA, the penal code, and the cyber-crimes law. How these laws will cover acts outside of Pakistan and how the case will be heard in Islamabad is not clear. The actual FIR and the law ministry will clarify the prosecution strategy in the upcoming days.

¶11. (C) Comment: Malik's press briefing, the inquiry results, and the FIR are significant and represent steps in prosecuting the Mumbai terrorists. Both Malik and Bashir were clear that these steps should assure the international community that Pakistan is serious about holding the terrorists accountable. There are still questions about how the prosecution will be successful and how much information the Indians are willing to share. While the dossier does show evidence of a serious inquiry, it does not provide the Indians with substantially new information. It will also be important for Pakistan to control its media message, which

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now is focusing the conspiracy on other nations. Helping India and Pakistan share evidence will enable a strong prosecution in Islamabad. It is also clear that the GOP is hoping that its response to the Indian dossier will permit a return to some degree of normalcy in Indo-Pak relations. Bashir stressed in his comments to diplomats that re-engagement with India is a fundamental interest for Pakistan. He noted pointedly that Pakistan plans to "maintain a constructive approach" to India in upcoming meetings of the SAARC in Colombo. End comment.

PATTERSON